

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JASON GOODMAN,

Plaintiff,

-against-

THE CITY OF NEW YORK et al.,

Defendants.

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GABRIEL W. GORENSTEIN, United State Magistrate Judge

ORDER TO SHOW CAUSE  
23 Civ. 9648 (JGLC) (GWG)

Plaintiff Jason Goodman filed this action against the City of New York, the New York Police Department (“NYPD”), various named and unnamed NYPD officers and employees, X Corp., Elon Musk, and Adam Sharp. See Complaint, filed Oct. 31, 2023 (Docket # 1) (“Compl.”). Goodman has recently obtained a clerk’s certificate of default as to defendant Musk. See Clerk’s Certificate of Default, filed March 22, 2024 (Docket # 83). While it is unclear to the Court whether the filings in this case show proper service as to defendant Musk, it is unnecessary to reach that issue at this time.


The Court has examined the briefing made in connection with X Corp.’s motion to dismiss the complaint, see Docket ## 19, 40, 47, and it appears that the arguments made in that motion would also govern any claims as to Musk, who is alleged to be the “owner” of X Corp, see Compl. ¶ 18(b). Additionally, the complaint arguably fails to show that Musk was personally involved in or should be vicariously liable as to any alleged wrongful conduct.

Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE why the claims as to Musk should not be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim. Such showing shall be made by means of a memorandum of law compliant with Local Civil Rule 7.1(a)(2) filed on or before April 8, 2024. If X Corp. has views on this matter that may be helpful to the Court, it may address them in a response filed by April 22, 2024. Plaintiff may file any reply by April 29, 2024.

Finally, plaintiff shall not file any letter seeking permission to make a motion for a default judgment against Elon Musk (or any such motion itself) until this Order to Show Cause is resolved.

SO ORDERED.

Dated: March 25, 2024  
New York, New York

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge